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156.0007

OGC Has Reviewed

14 FEB 1956

MEMORANDUM FOR: General Counsel

SUBJECT: Coverage of Employees Engaged by Contract Under the Provisions of Sections 5(a)(5)(A) and 5(a)(5)(C) of P. L. 110.

REFERENCE: Memo to Special Contracting Officer from OGC, dated 29 November 1955, Subject: Comment on Special Contracting Officer's Memorandum to Chief, FE, dated 14 October 1955, Subject: Medical Aspects of Contractual Arrangements and Responsibilities.

25X1A 1. The referenced memorandum, in commenting on the Special Contracting Officer's Memorandum to the Chief, FE, dated 14 October 1955, states that the memorandum of the Special Contracting Officer is a correct statement of law and practice but does not specify the applicability of Sections 5(a)(5)(A) and 5(a)(5)(C) to Contract Employees. The referenced memorandum further suggests that existing Agency regulations and the proposed regulations concerning compensation for injuries incurred in the performance or line of duty (proposed R and [redacted] leave unanswered the question of the coverage of Contract Employees.

2. This Office is in accord with the view expressed in the referenced memorandum that the coverage of Contract Employees under the provisions of 5(a)(5)(A) and 5(a)(5)(C), P. L. 110 should be clearly defined in appropriate regulations. As a corollary thereto, we believe a determination relating to such coverage of Career Agents should also be reflected in a regulatory issuance or issuances.

25X1A 3. Inasmuch as the Director has authority under Section 5(a), P. L. 110 to establish the applicability of Sections 5(a)(5)(A) and 5(a)(5)(C), under such regulations as he may prescribe, the Office of Personnel will propose in regulatory form a proposed policy concerning the coverage of employees engaged by contract, namely, that full-time, U. S. citizen employees engaged by contract for assignment at a permanent duty station in a foreign area will receive the benefits of Sections 5(a)(5)(A) and 5(a)(5)(C), P. L. 110. It is the position of this Office that both Contract Employees and Career Agents who meet these criteria should receive the benefits of such sections.

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4. We will amend Section II of [] to reflect the coverage of employees engaged by contract at the same time we resolve the comments received in Agency coordination of these regulations. Section II of [] are the proposed Agency issuances which implement Sections 5(a)(5)(A) and 5(a)(5)(C), P. L. 110 and contain the basic regulatory provisions prescribing employee coverage. Therefore, they must of necessity reflect any explicit provisions concerning the coverage of employees engaged by contract, and, as proposed regulations currently under consideration by the Agency, they will facilitate whatever Agency coordination is necessary as an incident to the establishment of a policy on coverage of contract employees. This Office does not contemplate, at this time, an amendment to [] Employees Engaged by Covert Contract, in order to provide for the coverage of Contract Employees by Sections 5(a)(5)(A) and 5(a)(5)(C). This is not only true because Section II of [] will define the applicability of these regulations to Contract Employees but also because of the evidenced desire by various key Agency Officials to effect the publication of [] as expeditiously as possible. Inasmuch as [] is now being finally processed for authentication, it is not considered appropriate to insert a provision on medical claims in the regulation, which could impede publication of [] pending an Agency determination on the feasibility of the issue.

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Harrison G. Reynolds
Director of Personnel

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